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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,404

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Robert Silva

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09/09/2010

Weaver Austin Villeneuve & Sampson LLP - IGT

Attn: IGT

P.O. Box 70250

Oakland, CA 94612-0250

EXAMINER

LEIVA, FRANK M

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

09/09/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/661,404	Applicant(s) SILVA ET AL.	
	Examiner FRANK M. LEIVA	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-16,41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-16,41 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/13/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 April 2010 has been entered.

Acknowledgements

2. The examiner acknowledges claims 1, 4, 6, 7 and 8 amended in applicant's submission filed 22 March 2010.

Response to Arguments

3. Applicant's arguments filed 22 March 2010 have been fully considered but they are not persuasive for the following reasons.

4. The argument on page 5 of applicant's remarks; *"it is not shown that the gaming units have a communications manager that can configure a peripheral controller to communicate wirelessly"*; Lazzarotto figure 3A and column 6 lines 9-28, shows; *"The communication hub 300a includes an antenna 302 that is functionally similar to the antenna 102 described above in that it receives communication signals, a communication front-end 304a that is functionally similar to the RF front-end 104 described above in that it processes the received communication signals, and a processor 306 that is functionally similar to the processor 106 described above in that it decodes and appropriately formats the received data. The wireless peripherals 308a-n are functionally similar to the wireless peripherals 108a-n described above. The communication front-end 304a couples with the antenna 302 and the processor 306. The processor 306 couples with a host computer via a USB Port (or connection) or a PS/2 port if the*

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communication hub is a combo. The antenna 302 wirelessly communicates with the one or more peripheral devices 308a-n. The second embodiment of the communication system 301 includes having one or more players communicating with a host via one or more peripheral devices 308a-n. Where the gaming units have a communication manager (processor 306) that configures a peripheral controller (communication front end 304a) to send and receive in the appropriate formats. The process described in column 3 lines 15-31 cited in the rejection.

5. Since the remainder of the remarks are directed to Lazzarotto not disclosing configuring the peripheral controller, and having pointing out where it is disclosed, the examiner deems the rejections proper and the claims as amended will be reviewed on its merits below.

Claim Rejections - 35 USC § 112 1st paragraph

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claims 1, 4, 6, 7 and 8** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Lines 15-16 of claim 1 has been amended to read that the wireless communication manager is adapted “to configure the peripheral controller by assigning a communication identification key to said peripheral controller”. There is no description for the peripheral controller to be assigned an identifier; all identifiers in the description are only assigned to the peripheral devices

themselves, not the controllers. Claim 4 line 3, claim 6 line 3, claim 7 line 3 and claim 8 line 3; for the same reason as claim 1.

Claim Rejections - 35 USC § 112 2nd paragraph

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
9. **Claim 4** recites the limitation "the peripheral device" in line 4, **claim 5** recites the limitation "the peripheral device" in lines 2, 3, **claim 6** recites the limitation "the peripheral device" in line 4, **claim 7** recites the limitation "the peripheral device" in line 4, **claim 8** recites the limitation "the peripheral device" in line 3 and **claim 14** recites the limitation "the peripheral device" in line 3. There is insufficient antecedent basis for these limitations in the claims.
10. **Claim 41** is rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 41 uses the trademark names "Bluetooth, IEEE 802.11a... and Home RF", that point to indefinite and arbitrary definitions. The formula or characteristics of the product may change from time to time and yet it may continue to exist under the same trademark. In patent specifications, every element or ingredient of the product should be set forth in positive, exact, intelligible language, so that there will be no uncertainty as to what is meant. Arbitrary trademarks which are liable to mean different things at the pleasure of manufacturers do not constitute such language.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 4-16 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al (US 2004/0137978 A1), in view of Lazzarotto et al. (US 6,782,245).

13. Regarding the combination of analogous art; Cole discloses a gaming system comprised of 2 gaming machines combined into a single housing and sharing the use of the peripherals such as printer and bill validator, and using wireless communication to communicate to the network; and Lazzarotto discloses peripheral interface systems a better description of the internal protocols. Both Cole and Lazzarotto teach about controller and peripheral links.

14. Regarding claim 1; Cole discloses a gaming machine housing; a master gaming controller adapted for executing a game of chance played on the gaming machine and communicating with one or more peripheral devices used to play the game of chance, wherein the one or more peripheral devices are mounted within the gaming machine housing, (fig. 1 and ¶ [0119-0120]); wherein the master (gaming) controller comprises a wireless communication manager executed by the master (gaming) controller adapted for managing wireless communications between (i) the master (gaming) controller and the peripheral devices, (ii) the peripheral devices, ((fig. 1 and ¶ [0119-0120])).

Cole does not teach applying the technique of assigning identifier keys.

Lazzarotto discloses wherein the wireless communication manager is adapted for managing wireless communications including being adapted to configure the peripheral controller by assigning a communication identification key (col. 5:19-33, for data encoding algorithms) to the peripheral controller, (fig. 1 and 3A, col. 3:17-31 and col. 6:9-28), where it shows a wireless communication manager (MPU 306), and peripheral

controller (Comm. Front end 304a), and that the invention is capable to communicate with several devices and reformat USB signal protocols which contains an identifying protocol for the controller to differentiate the message sender.

Lazzarotto teaches a system of transforming USB communication into Bluetooth wireless communication that since USB protocols demand an identifier, inherently the Bluetooth protocol will need to transmit such identifier. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of identifying devices through the code as taught in Lazzarotto, to improve the communications of Cole for the predictable result of communicating wirelessly with the peripherals and being able to differentiate the device messages as they are exchanged.

15. Regarding claim 4; Cole and Lazzarotto disclose all the limitations of claim 1 from which claim 4 depends, and Lazzarotto further discloses wherein assigning a communication identification key includes assigning a global unique identifier to the peripheral controller, wherein the global unique identifier is used to wirelessly communicate to and from the peripheral device, (fig. 1), as stated with claim 3 rejection in order to communicate to the unit the identifier must be unique to the device otherwise the communications get confuse.

16. Regarding claim 5; Cole and Lazzarotto disclose all the limitations of claim 1 from which claim 5 depends, and Lazzarotto further discloses wherein assigning a communication identification key includes assigning a frequency range to the peripheral device, wherein the frequency range is used to wirelessly communicate to and from the peripheral device, (5:19-33).

17. Regarding claim 6; Cole and Lazzarotto disclose all the limitations of claim 1 from which claim 6 depends, and Lazzarotto further discloses wherein assigning a communication identification key includes providing a frequency hopping algorithm to the peripheral controller, wherein the frequency hopping algorithm temporally assigns different frequency ranges within which to communicate to and from the peripheral

device, (5:19-33), Delay modulation encoding algorithm is a frequency changing (or hopping) algorithm.

18. Regarding claim 7; Cole and Lazzarotto disclose all the limitations of claim 1 from which claim 7 depends, and Lazzarotto further discloses wherein assigning a communication identification key includes assigning a formatting protocol to the peripheral controller, wherein different formatting protocols are assigned to different devices within the gaming machine, and wherein the formatting protocol allows the peripheral device to filter out wireless communications intended for other devices, (2:56-67).

19. Regarding claim 8; Cole and Lazzarotto disclose all the limitations of claim 1 from which claim 8 depends, and Lazzarotto further discloses wherein assigning a communication identification key includes providing a spread spectrum to the peripheral controller, wherein the spread spectrum provides information allowing the peripheral device to reassemble packets received from the master gaming controller or another peripheral device, packetize communications to send to the master gaming controller or another peripheral device, or combinations thereof, (3:13-15).

20. Regarding claim 9; Cole discloses all the limitations of claim 1 from which claim 9 depends, yet are silent to the specifics of the wireless link; where Lazzarotto discloses an internal network manager adapted for managing an internal wireless network implemented in the gaming machine, (2:56-67), the host being a USB driver or manager programmed to direct multiple communications from peripherals. Cole does not teach applying the technique of using a network manager. Lazzarotto teaches a system of transforming USB communication into Bluetooth wireless communication that since USB protocols require a driver/manager for the network, inherently the Bluetooth protocol will need to transmit such a manager. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of using a manager to control communications as taught in Lazzarotto, to improve the communications of Cole for the

predictable result of communicating wirelessly with the peripherals and being able to control or manage the traffic of messages sent back and forth to and from the multiple peripheral devices and the gaming controller.

21. Regarding claim 10; Cole and Lazzarotto disclose all the limitations of claims 1 and 9 from which claim 10 depends, and Lazzarotto further discloses wherein managing the internal wireless network includes counting a number of packets lost to determine a reliability rate, (6:44-54), checking for errors before formatting the signal is disclosed, it is inherent to test the capability of the system and rate of readability during development and design only, a final product does not require a design value such as capability rate, all designs are made to be capable, yet Lazzarotto does disclose testing for errors in receiving the packets.

22. Regarding claim 11; Cole and Lazzarotto disclose all the limitations of claims 1, 9 and 10 from which claim 11 depends, and Lazzarotto further discloses wherein the number of packets lost includes packets for which no acknowledgement was received, packets that were corrupted, or a combination thereof, (6:44-54), as mentioned above in claim 10, Lazzarotto looks for the corrupted communications.

23. Regarding claim 12; Cole and Lazzarotto disclose all the limitations of claims 1, 9 and 10 from which claim 12 depends, and Lazzarotto further discloses wherein managing further includes adjusting the internal wireless network if the reliability rate exceeds a desired level, self adjusting optimization algorithms for (DSP) Digital Signal Processing are well known in the art.

24. Regarding claim 13; Cole and Lazzarotto disclose all the limitations of claims 1 and 9 from which claim 13 depends on and Lazzarotto further discloses wherein managing the internal wireless network includes monitoring different frequency channels, (8:1-5).

25. Regarding claim 14; Cole disclose all the limitations of claim 1 from which claim 14 depends, yet are silent to the specifics of the wireless link; where Lazzarotto discloses wherein at least one of the one or more peripheral devices includes a programmable interface, wherein the programmable interface allows interchangeability of the peripheral device within the gaming machine, (2:11-31). Cole does not teach applying the technique of assigning identifier keys. Lazzarotto teaches a system of transforming USB communication into Bluetooth wireless communication that employs a programmed driver. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of using a programmed driver circuit as taught in Lazzarotto, to improve the communications of Cole for the predictable result of communicating wirelessly with the peripherals and being able to interface with the devices.

26. Regarding claim 15; Cole discloses wherein wireless communications between the master gaming controller and peripheral devices, and between peripheral devices are confined within the gaming machine housing, (fig. 1), all peripherals are within the same housing.

27. Regarding claim 16; Cole discloses wherein wireless communications within the gaming machine are transmitted with a limited strength, range, or a combination thereof, in order to reduce cross-communication with devices external to the gaming machine, (¶ [0100]), the use of infrared communication is introduced in Cole's disclosure which inherently comes with a short range.

28. Regarding claim 41; Cole disclose all the limitations of claim 1 from which claim 41 depends, yet are silent to the specifics of the wireless link; where Lazzarotto discloses wherein the master gaming controller and the one or more peripheral devices communicate using a wireless communication protocol selected from the group consisting of Bluetooth, IEEE 802.1 la, IEEE 802.1 lb, IEEE 802.1 lx, hiperlan/2, and HomeRF, (12:16-26). Cole does not teach applying the techniques or mention the plurality of existing protocols. Lazzarotto teaches a system of transforming USB

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communication into Bluetooth wireless communication that inherently includes these protocols. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of using existing protocols as taught in Lazzarotto, to improve the communications of Cole for the predictable result of communicating wirelessly with the peripherals and being able to interface with currently used protocols.

29. Regarding claim 42; Cole discloses wherein the one or more peripheral devices include a player-tracking unit, (¶0030)].

Examiner's notes

30. Note 1): The examiner has reviewed the priority claims of the application and would like to make it of record that the capability of a gaming controller to communicate with its peripherals wirelessly is not included in either of applications 09/921489 or 10/246373, both directed to the Player Tracking interface being able to communicate wirelessly with a wireless headset.

31. Note 2): The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed "In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on 11:00AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on 5712724690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melba Bumgarner/

Supervisory Patent Examiner, Art Unit 3714

/F. M. L. /

Examiner, Art Unit 3714